

Samuel H. Ruby, SBN 191091
E-Mail: samuel.ruby@bullivant.com
Kevin K. Ho, SBN 233408
E-Mail: kevin.ho@bullivant.com
BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701

Steven M. Crane, SBN 108930
E-mail: scrane@bcrslaw.com
BERKES CRANE ROBINSON & SEAL LLP
515 South Figueroa Street, Suite 1500
Los Angeles, California 90071
Telephone: 213.955.1150
Facsimile: 213.955.1155

Attorneys for Plaintiff and Counterdefendant
The Continental Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE CONTINENTAL INSURANCE
COMPANY,

Plaintiff,

vs.

JOHN JOSEPH COTA; REGAL STONE
LIMITED; FLEET MANAGEMENT LTD.,;
and the M/V COSCO BUSAN, LR/IMO Ship
No. 9231743 her engines, apparel, electronics,
tackle, boats, appurtenances, etc., *in rem*,

Defendants.

AND RELATED CROSS-ACTIONS

Case No.: C-08-2052-SC

Related to Case No:

07-CV-05926-SC

07-CV-06045-SC

07-CV-05800-SC

08-CV-02268-SC

**[PROPOSED] ORDER
DENYING IN PART AND GRANTING IN
PART DEFENDANT JOHN J. COTA'S
MOTION TO STAY AND/OR TO
COMPEL ARBITRATION**

Hearing Date: September 5, 2008

Time: 10:00 a.m.

Courtroom: 1

1 Defendant and cross-defendant John Joseph Cota's motion to stay (or alternatively, to
2 compel arbitration) came on for hearing on September 5, 2008. All parties appeared through
3 counsel. Having considered all of the evidence and argument submitted, the Court DENIES the
4 motion in part and GRANTS the motion in part.

5 The Court finds that Continental's asserted claims against defendant Cota have been
6 dismissed without prejudice. Insofar as Continental is no longer asserting claims against
7 defendant Cota, Cota's motion to stay (or alternatively, to compel arbitration) is DENIED as
8 moot.

9 The Court GRANTS Cota's motion to stay the remainder of action in this Court pending
10 the outcome of the pending criminal proceedings against Cota.

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13 IT IS SO ORDERED.

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15 DATED: August 15, 2008

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17 By _____
18 UNITED STATES DISTRICT COURT
19 JUDGE

20 10725508.1

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